To: Jackson, Joe-D[JACKSON.JOE-D@EPA.GOV]
From: Miller, Linda
Sent: Thur 1/23/2014 6:30:22 PM
Subject: Fw: Headlines Highlights for RA's Tablet - THURSDAY, January 23, 2014

From: Seneca, Roy
Sent: Thursday, January 23, 2014 10:59:28 AM
To: Garvin, Shawn; Ryan, Daniel; Early, William; D'Andrea, Michael; duteau, helen; schafer, joan; White, Terri-A; Heron, Donna; Sternberg, David; Seneca, Roy; Miller, Linda; damm, thomas; Grundahl, Nancy; Smith, Bonnie
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EPA Connect - Official Blog EPA's Leadership

Braving the Weather to Promote Green Infrastructure in Philadelphia

CEQ Chair Nancy Sutley and EPA Deputy Administrator Bob Perciasepe in snow storm in Philadelphia following STAR grant announcement

Yesterday, I was up in Philadelphia joined by CEQ Chair Nancy Sutley and Mayor Nutter to announce nearly $5 million in EPA grants made possible through the Science to Achieve Results (STAR) program. These investments are going to five universities, and aim to fill gaps in research evaluating the costs and benefits of certain green infrastructure practices.

The projects to be invested in, led by Temple University, Villanova University, Swarthmore College, University of Pennsylvania and University of New Hampshire, will explore the financial and social costs and benefits associated with green infrastructure as a stormwater and wet weather pollution management tool.

From rain gardens and permeable pavement to using absorbent landscape materials to soak up rainwater and more, the knowledge we gain will pay dividends not just for Philadelphia, but for cities all across the country. Green infrastructure can save money, promote safe drinking water, and build more resilient water systems—especially in the face of climate change.

(from left) Howard Neukrug, Commissioner of Philadelphia Water Department, Samuel Mukasa, Dean of UNH College of Engineering and Physical Sciences, Ramona Trovato, EPA Acting Principal Deputy Assistant Administrator of Research and Development, Dan Garofalo, UPenn Sustainability Director, Nancy Sutley, CEQ Chair, Stephen Nappi, Associate Vice Provost for Technology and Commercialization at Temple University, Bob Perciasepe, EPA Deputy Administrator, Reverend Peter Donahue, President of Villanova University, Maurice Eldridge, VP of College and Community Relations at Swarthmore College, Shawn Garvin, EPA Region 3 Administrator, and Jim Johnson, EPA Director of NCER

Results from these university research teams will supplement a growing body of knowledge that EPA's own researchers are uncovering. From monitoring and performance evaluation to creating models and a toolbox of green infrastructure resources for decision-makers, this research will be valuable to the city of Philadelphia and beyond.

We're especially proud of the great work going on through Philly's *Green City, Clean Waters* program. Our ongoing partnership between our researchers, EPA regional staff, academia, and the City of Philadelphia under Mayor Michael Nutter is a model for others to follow. We're helping make real progress at the community level. Community progress isn't just what guides our actions—it's a measure of our success in fulfilling EPA's mission of protecting public health and the environment.

And we'll continue to rely on that kind of collaboration—especially when it comes to climate change. Luckily, Philadelphia has made major progress, thanks to Mayor Nutter's efforts in cutting carbon pollution and preparing the city for climate impacts. As a member of President Obama's State, Local and Tribal Leaders Task Force on Climate Preparedness and Resilience, Mayor Nutter's advice will be critical to make sure our climate preparedness and resilience

policies respond to the needs of communities. The advice we get from the Task Force is an important component to our national Climate Action Plan to combat climate change broadly.

We have come a long way in the 40 years since the Clean Water Act. But with new challenges like climate change—we need push forward with community-focused, innovative solutions. That's why locally focused partnerships like *Green City, Clean Water*, and ground level solutions like green infrastructure, are paving a pathway for progress.

I'm confident that through our STAR program, investments in these projects will go a long way to developing innovation solutions to stormwater management, wet weather pollution, and building more resilient, safer water systems for all.

Charleston Gazette

Information on leak's 2nd chemical 'very limited'

Freedom marked chemical ID as 'proprietary'

By Ken Ward Jr.

CHARLESTON, W.Va. -- Federal and state officials scrambled Wednesday for more information following the surprise disclosure Tuesday that an additional chemical was also in the tank that spilled Crude MCHM into the Elk River public drinking water supply two weeks ago.

Freedom Industries disclosed the information to state and federal regulators on Tuesday morning, but health impacts of the chemical remain unclear, and Freedom Industries has claimed the exact identify of the substance is "proprietary."

In an email to state officials Tuesday night and a press statement this morning, the U.S. Centers for Disease Control noted that data about the potential health effects of the chemical "PPH" are -- like the information on Crude MCHM -- "very limited."

CDC spokeswoman Barbara Reynolds said Wednesday that information thus far indicates that PPH is probably less toxic than Crude MCHM, and officials have said they believe that West Virginia American Water's treatment system was likely able to remove the PPH from the water.

"Given the small percentage of PPH in the tank and information suggesting similar water solubility as MCHM, it is likely that any amount of PPH currently in the water system would be extremely low," Reynolds said in an emailed statement. "However, the water system has not

been tested for this material."

The Gazette learned about the additional chemical from a source, and confirmed that information with the U.S. Chemical Safety Board. Later, the Tomblin administration made officials from several agencies available to provide additional details.

Mike Dorsey, chief of homeland security and emergency response for the state Department of Environmental Protection, learned about the additional chemical shortly before 10 a.m., at a regular, daily meeting between government officials and Freedom Industries representatives.

Dorsey said that Freedom President Gary Southern told him about the PPH, and that there was about 300 gallons of the material in the tank that leaked. It's not clear how much of it actually escaped the tank or how much made it into the river.

According to information Freedom gave to Dorsey, something that Freedom called "PPH, stripped" was added to the Crude MCHM that Freedom bought from Eastman Chemical and then sold to area companies for use in coal-cleaning facilities.

While some reports have used the term "Crude MCHM" and the chemical "4-methylcyclohexanemethanol" interchangeably, the 4-MCHM is actually only one of seven components of Crude MCHM.

Eastman Chemical's material safety data sheet, or MSDS, says the chemical 4-methylcyclohexanemethanol makes up 68 percent to 89 percent of Crude MCHM. The Eastman MSDS also shows that Crude MCHM includes six other ingredients: 4-(methoxymethyl)cyclohexanemethanol, water, methyl 4-methylcyclohexanecarboxylate, dimethyl 1,4-cyclohexanedicarboxylate, methanol and 1,4-cyclohexanedimethanol.

Dorsey said that Freedom told him that the "PPH, stripped" it was using was a mixture of two other chemicals, DiPPH Glycol Ether, and PPH Glycol Ether. Dow Chemical makes those two chemicals, according to the information Freedom gave to Dorsey.

But Richard Denison, a senior scientist with the Environmental Defense Fund, noted that Freedom Industries withheld the specific chemical identify of the "PPH, stripped." The MSDS provided by the company lists the key "chemical abstract service" identification number as "proprietary."

"All this means yet more questions and more uncertainty for West Virginia residents," Denison wrote on his group's blog. "The number of lessons to be drawn from this West Virginia chemical spill appears to be growing by the day."

Denison wondered if the U.S. Environmental Protection Agency would exercise its rarely used authority under the Toxic Substances Control Act to compel disclosure of the exact identity of PPH.

Terri White, an EPA spokeswoman, did not respond to requests for comment.

On Wednesday morning, Amy Goodwin, a spokeswoman for Gov. Earl Ray Tomblin, said the DEP's Dorsey did not mention the PPH issue in a legislative briefing Tuesday afternoon because he "was focusing his comments on the remediation work being done at the spill site.

"He received information about the additional chemical and passed that information on to the National Guard and other officials," Goodwin said. "He wanted to be certain of the material/seriousness of the new chemical and didn't want to prematurely release information that might not be correct."

Also Wednesday morning, the DEP released an order that it issued demanding that Freedom Industries disclose, by this afternoon, "any and all information fully describing the composition of the materials spilled into the Elk River on Jan. 9."

In a response, Freedom told the DEP that the tank contained only Crude MCHM mixtued and PPH.

"PPH is added to the Crude MCHM to act as an 'extender' in that the Crude MCHM is available in limited, sporadic quantities," Freedom said in its response. "At the time of the release on Jan. 9, the blend in Tank No. 396, after extensive calculation, was approximately 88.5 percent Crude MCHM, and 7.3 percent PPH by weight and 4.2 percent water by weight. Our records and internal investigations indicate that there were no other materials in Tank 396 at the time of the release."

The Freedom response differed somewhat from what the company told the DEP initially. It said that its PPH "is a hydrophobic glycol ether" that is described in the Dow MSDS for only one of the two products it originally mentioned, DiPPH Glycol Ether.

DEP Secretary Randy Huffman said, "Having this revelation so late in the game is completely unacceptable. Having to order them to provide such obvious information is indicative of the continued decline of their credibility."

But, state officials have been unable to explain why state sampling of the material in the tank that leaked at Freedom Industries didn't identify the PPH as being present.

Goodwin, the governor's spokeswoman, said, "The National Guard did the sampling at the tank site and we're still waiting to hear back on this issue."

State officials said late Tuesday that, after consulting with West Virginia American Water, they believe the water company's Elk River plant likely would have removed the chemical from drinking water during its normal treatment process. Additional testing of some of the original water samples from the first days after the incident is being conducted to confirm that, officials said.

Philadelphia Inquirer

Four colleges get grants to assess Phila. storm water plan

By Sandy Bauers, Inquirer Staff Writer

PHILADELPHIA In a sweeping endorsement of Philadelphia's storm water plan, the U.S. Environmental Protection Agency awarded $4 million Tuesday to four area colleges to study the plan.

Approved 21/2 years ago, the $1.6 billion, 20-year project aims to stem the polluted water gushing from sewer overflows during heavy rains by incorporating "green" projects throughout the city.

They range from vegetated roofs and rain gardens that soak up rainwater to porous pavements that let it percolate through.

In essence, the plan takes storm water from belowground pipes that treat the water as a waste to aboveground projects that use it as a resource.

Temple University, Swarthmore College, Villanova University, and the University of Pennsylvania will get $1 million each - and the University of New Hampshire $993,000 - to assess various projects and aspects of the plan, quantify performance, and suggest improvements.

As if the city's sewers were the arteries of a giant medical patient, the schools will be hooking up instruments, logging data, and conducting surveys.

"The issue of urban runoff has been vexing for almost 40 years," said EPA Deputy Administrator Bob Perciasepe, who came to Philadelphia to announce the grants. The city's plan "shows the strongest promise to finding not only a cost-effective approach, but one that is more effective because it mimics the natural hydrology" and is beneficial for communities, Perciasepe said.

Marc Cammarata, director of the Philadelphia Water Department's Office of Watersheds, called the grants "very positive. It's not very often that this substantial an amount of money gets directed toward one city, one effort, like this."

In the 30 months since the plan was approved, hundreds of projects have been completed, putting the department ahead of schedule, he said.

Temple's Jeffrey Featherstone praised the grants as "the first serious foray into scientific research on green infrastructure."

"The maze of pipes below ground is daunting, and isolating impacts of individual and groups of

storm water control measures can be complicated," said Featherstone, who directs the Center for Sustainable Communities at the Ambler campus.

Philadelphia has one of the oldest sewer systems in the nation. The research will focus on a 40,000-acre area that has combined sewers, meaning they accept both sewage and storm water.

The problem comes during heavy rains. The system is overwhelmed by storm water, and everything - from raw sewage to road oil - gushes out of overflow pipes into streams and rivers.

Nationwide, the problem of combined sewage overflows affects 31 states and the District of Columbia, according to the EPA, which has estimated that 850 billion gallons of untreated wastewater and storm water are released into the nation's waterways each year.

Many cities have addressed the problem by building miles-long tunnels, big enough to run a subway car through, that hold the water until it can be pumped out and treated.

Green infrastructure projects not only treat the water in a more natural way, but also add other benefits, officials say. Mini-basins for storm water planted with trees, for instance, beautify neighborhoods, help clean the air, cool the temperature, and increase property values.

Temple will analyze many green projects on its Philadelphia campus and investigate socio-economic issues, including whether real estate values next to green infrastructure rise more than elsewhere.

Villanova's Robert Traver, who has been studying storm water reduction techniques for years at demonstration sites on campus, will evaluate the performance of completed projects so they can develop and design next-generation versions.

"Many cities across the United States and the world are paying attention to the innovative approach that Philadelphia is taking," said Traver, director of the Villanova Center for the Advancement of Sustainability in Engineering. "I expect to learn as much from them as I hope they do from our work."

Swarthmore researchers will put instruments in several areas and quantify performance vs. cost.

Given that the success of the city's plan depends in part on residents and businesses investing in green infrastructure projects, Penn researchers will look at how to motivate them

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Annapolis Capital-Gazette

Editorial: On stormwater, the unpalatable truth is out there

Environmental groups are often telling people what they don't want to hear. The Chesapeake Bay Foundation is in that position when it comes to the effect of stormwater runoff, and has just tried again with a report calling runoff pollution "a growing threat" to the bay.

We wish the organization luck. People need to hear this.

What many *want* to hear is that stormwater fees are the "rain tax," a silly idea by a fee-happy government that hasn't gotten around to a breathing tax yet. Most Marylanders don't focus on what happens to water washing off their properties, or what's in it, any more than they focus on what's happening to the water going into the neighborhood sewer main. (Although when it comes to sewage disposal, they're resigned to paying fees.)

In its latest report, the CBF estimates that 10,000 acres are paved in the six-state bay watershed every year — meaning that every four years an area roughly the size of Washington, D.C., goes from being water-absorbent fields and forests to runoff-prone roads, buildings and parking lots. No wonder runoff is the only source of pollution in the watershed that is still increasing.

It's not a freak of nature — or merely the fault of the poultry industry or silt running down the Susquehanna River — that heavy rainfalls are followed by soaring bacteria counts in local tributaries, that fish have tumors, or that in the open bay algae thrive on the nitrogen and phosphorus in the water, while the silt kills aquatic plants and undercuts state efforts to restore the oyster population.

Like other environmental groups, the CBF is striving to keep the General Assembly from an election-year retreat on the stormwater fee mandate it passed in 2012 — the reason Anne Arundel County's officials, after years of procrastination, decided to enact such fees last year.

Last week House Speaker Michael E. Busch and Senate President Thomas V. Mike Miller Jr. said they oppose any blanket repeal of the 2012 mandate. But there have been reports Miller is unhappy with the all-over-the-map way fees have been imposed, and might be open to a statewide cap, as well as mandatory exemptions for churches and nonprofits.

But shouldn't there be some local leeway? And if Miller starts this legislative snowball running downhill in an election year, you could wind up with an avalanche that buries efforts to fund stormwater improvements. An effort to delay the mandate by two years was gaining momentum when the clock ran out on the last session.

The state stormwater mandate is hardly perfect. But the environmental groups would prefer the General Assembly not try to tweak it this year. And we can see why.

Salisbury Daily Times

Commentary by Tom Horton: Save the Chesapeake Bay, save ourselves

Written by Tom Horton

My friend Meredith stopped me as I recounted a favorite Bay of yore story — about wading decades ago in lush seagrass beds that so cleansed and cleared the shallows you could see to dip crabs sequestered there to shed their shells.

I noted that we could bring back these conditions by reducing runoff of fertilizers and dirt from the land, which would also reduce summer "dead zones" of oxygen-starved water in the channels.

Meredith's an experienced environmental lawyer who got the ecological truth I was voicing; but now she's mother to Grace, 3, and Nicholas, several months. And the Bay question she gets from her current social circle along the Choptank River on Maryland's Eastern Shore is this:

"Is it safe for my kids to swim?"

Decades into the Chesapeake restoration, our focus continues on curtailing "eutrophication" by reducing the nutrients nitrogen and phosphorus that overfertilize the water, clog it with floating algae, rob light from the seagrasses and quench aquatic oxygen.

We must continue with this; but it will take a deeper and wider engagement from citizens across the six-state watershed. And perhaps the long-gone seagrasses won't resonate to generations for whom the Bay of my Vietnam-era memories is as remote as the Bay of World War I is to me.

One opportunity to build a bigger constituency for restoration is to connect human health to Bay health. The overlaps between the two range from diet to climate change to air quality, to an array of toxins bad for both fish and us.

To get a sense of the issue, consider that the Bay and its rivers are riddled with health advisories limiting the consumption of everything from eels and striped bass to catfish and blue crabs to sport fish throughout Pennsylvania.

Another example where we might get more traction: Reducing air pollution further is regarded as a relatively expensive way to cut Bay pollution, even though airborne nitrogen is a significant bay pollutant.

But what if Bay managers and environmental educators included the benefits to human health, children especially, of reducing air pollution? The EPA estimates their value to Eastern states that include our watershed at $120 billion?

It's not that no one's tried to connect Bay and human health. The Chesapeake Bay Foundation made a fine report found on Google, Bad Water 2009. It links increased health risks from harmful bacteria and algae in Chesapeake waters to the nutrients that hammer Bay grasses and oxygen, and ties the heightened toxic risk to warmer Bay water, which is caused by climate change, which in turn is exacerbated by burning fossil fuels that deliver more nitrogen to the Bay.

The CBF report also links harmful nitrates in drinking water to regions with an overabundance of farm animal manure; regions that are also hotspots of Bay and river pollution.

Johns Hopkins' Center for a Livable Future has connected meat-heavy human diets to our health as well as the Bay's and shown that getting our nutrition from animals is linked to cancer and obesity. As for water quality, meat production means more fertilizer runoff to streams and residues of drugs fed to farm animals showing up in drinking water .

Increasingly, I find acknowledgement among Bay restoration leaders that fundamental changes in our agriculture will be needed to meet water quality goals, even as the official line remains that tweaks to the existing food system will suffice.

While toxics have the attention of many Bay groups, the governments managing the Bay have supported none of these approaches in a sustained manner and have failed to collect and make transparent enough data to build a solid understanding of environmental health connections.

A coalition of environmental groups is pushing Maryland's legislature to require reporting of who is using what agricultural chemicals and where they are applied. It's voluntary now, and required reporting would be a start toward better data.

Companies fracking natural gas in Pennsylvania and New York, and maybe soon in Maryland, do not have to disclose the chemicals they inject into groundwater.

"There's no big tent" bringing together all these human-environment health issues, said Rebecca Ruggles, director of the Maryland Environmental Health Network, a group began two years ago.

After a false start in 2000, the EPA Bay Program, perhaps a good coordinating group for any "big tent," seems ready to take toxics more seriously. A recent EPA report shows nearly three quarters of the Bay and tidal rivers are partly or fully "impaired" by toxics — from mercury and PCBs to endocrine disruptors that may impair sexual development in fish.

The links between bay toxics and bay humans often aren't as neat as those between nutrients and seagrasses and oxygen. But as my friend Meredith pointed out — it's what people want to know and another way to involve them.

Tom Horton covered the Bay for 33 years for The Baltimore Sun and is author of six books about the Chesapeake. Distributed by Bay Journal News Service.

Pittsburgh Post-Gazette

Discord runs deep on new drilling rules

Hearing on proposed oil, gas regulations draws criticism and support for Pa. DEP

January 23, 2014 8:15 AM

By Anya Litvak / Pittsburgh Post-Gazette

Four members of the Department of Environmental Protection presided over a divided house Wednesday night at Washington & Jefferson College.

Every five minutes, either the left side of the room or the right would break into applause at the first southwestern Pennsylvania public hearing of the agency's proposed new oil and gas regulations.

Citizens who felt the regulations don't go far enough to control the shale gas industry in Pennsylvania outnumbered industry supporters at the meeting organized by the DEP's Environmental Quality Board.

The regulations are lengthy, but the same sections caught the attention of gas companies and their opponents. Among them is a provision dealing with companies' responsibility to remediate water impacted by their activities.

The DEP is proposing that drillers be required to restore the water to its pre-drill quality, and the industry is eager to keep that provision as written. But most speakers urged the agency to require drillers to ensure impacted water is brought up to the federal safe drinking water standard, even it fell below that standard before gas activity began.

Many speakers opposed the use of open storage pits and the practice of burying drilling waste at the site of the well, which is allowed under the proposed standards. Some suggested that all well waste should be tested and potentially categorized as hazardous material.

Cynthia Walter of Greensburg took to the podium with an empty milk jug and urged the DEP to disregard what might be "inconvenient," "cumbersome" and deemed an "unnecessary burden" by oil and gas companies.

"Pennsylvania is fourth in the nation for milk production. Any contamination from frack water or beneficial reuse [and] this is at risk," she said pumping the milk jug into the air.

The proposed guidelines are the DEP's response to the environmental portions of Act 13, Pennsylvania's 2012 oil and gas law that imposed an impact fee on drillers and prescribed a spate of environmental restrictions on shale gas operations.

Some of the major changes proposed involve:

* Requiring operators to identify orphaned or abandoned wells within 1,000 feet of the well bore, monitor them and plug them if fracking somehow interferes with such wells.

* Allowing lined and fenced-in open pits only for temporary storage of solid waste.

* Protecting all tanks from unauthorized acts of third parties.

* Requiring freshwater impoundments to be lined and fenced in.

* Mandating secondary containment at all unconventional well sites, which would be inspected at least weekly.

The DEP released the regulations Dec. 14 and launched a 60-day public comment period that has already inspired more than 1,000 comments from stakeholders. On Wednesday, it extended the comment time until March 14.

Ron Alvarado, president of Robinson-based Novus Staffing Solutions, planned to come to Wednesday night's hearing to highlight small businesses that profit from the shale gas industry in the state and to caution the regulators not to stifle that development.

"As a citizen of the state of Pennsylvania, yeah, [the regulation] makes sense to me," he said before the meeting. "But I'm not an oil and gas company."

If those companies say the regulations will divert investment to other, more lax states, Mr. Alvarado believes them.

Many speakers praised the DEP's initiative to require drillers to locate and monitor abandoned wells, but some -- like John Walliser, vice president for legal and government affairs with the Pennsylvania Environmental Council -- wanted the agency to go a step further.

Drillers shouldn't just monitor these wells but should actively avoid or mitigate potential impacts on abandoned wells or natural faults underground, he said.

Mark Cline, a fourth-generation oil man with Bradford-based Cline Oil, has attended two EQB hearings so far and plans to speak at one being held in Indiana Township tonight, but couldn't make it to Washington to plead his case that conventional wells should be wholly excluded from these regulations.

"We're not the same as the Marcellus Shale industry," he said. "We're making the point that we've been here 150 years. We've been regulated to death."

Cline Oil has hundreds of active wells, none deeper than 2,000 feet. They trickle oil at small quantities -- not enough to pay for compliance with these regulations, he said.

DEP's proposed regulations do distinguish between conventional and unconventional development for some requirements. But for others, they appear neutral to the source of the fuel.

"The regulations would, in fact, in all probability, put the small conventional producers out of business," wrote Raymond Geary, executive director of continuing education and regional development at the University of Pittsburgh at Bradford.

Some speakers gave their impressions of the industry or spoke from personal experience.

Gary Hovis, president of Hovis Oil Co. in Venango County, gave a brief history of fuel use and polled the audience on how many people walked to the meeting.

"Horse and buggy?" he said, looking around the room and drawing sparse chuckles.

Carmichaels resident Veronica Coptis answered the joke.

"How how many of you drank a glass of water today? How many of you took a breath of air?" she said. "If we don't have clean water and clean air, it really doesn't matter what type of transportation we use."

Anya Litvak: alitvak@post-gazette.com or 412-263-1455. First Published January 22, 2014 11:59 PM

Charleston Gazette

CDC: Pregnant women should have been warned about water sooner

By Ken Ward Jr.

CHARLESTON, W.Va. -- West Virginians should have been given clearer information that the 1-part-per-million screening level for the toxic chemical "Crude MCHM" was not a "bright line" between what exposures are safe and unsafe, a top U.S. Centers for Disease Control scientist said Wednesday.

Dr. Vikas Kapil, chief medical officer for the CDC's National Center for Environmental Health, also acknowledged that government officials could have moved more quickly in issuing an advisory that pregnant women drink only bottled water until chemical levels were zero in the West Virginia American Water system.

In an interview, Kapil said that the CDC was working with very limited data and in an emergency situation, but that agency officials could have communicated the uncertainties more carefully to the 300,000 residents whose water was contaminated.

"It would have been probably preferable to provide that kind of information up front," Kapil said.

"There are always things we can do to improve," he said. "It's a moving, dynamic situation where we really are doing the best we can."

West Virginia officials first mentioned the 1-part-per-million figure at a press conference on Friday, Jan. 10, the day after the Elk River spill. But both state officials and federal government representatives initially provided few details about how the number was derived.

Using the CDC's guidance, state officials and West Virginia American cleared residents to begin drinking the tap water starting on Monday evening, Jan. 13.

Then, on the night of Wednesday, Jan. 15, the state Department of Health and Human Resources announced that it was warning pregnant women to drink only bottled water -- at least for now.

Previously, officials have said that they added the advisory to pregnant women only out of "an abundance of caution" to protect developing fetuses. But a letter from the CDC to the DHHR suggested federal officials had obtained some additional studies that led to the advisory.

Kapil said he remains confident that the 1-part-per-million guidance is protective for most people, and that the region's water is safe, given that state sampling continues to show decreasing levels of Crude MCHM, with more and more samples listed with "non-detect" results.

In a statement issued Wednesday, West Virginia American Water President Jeff McIntyre said that "the majority of samples" are reading non-detectable.

"In the areas where sample results show levels above the non-detectable limit, they are still extremely low and only a fraction of the CDC-established 1 ppm health-protective limit," McIntyre said.

In a Wednesday letter to McIntyre, Sen. Jay Rockefeller, D-W.Va., asked West Virginia American for "maximum transparency," including Internet posting of results in "real time," including geographic coordinates of the samples, and the exact substances for which samples are being taken.

West Virginia officials said they are able to detect levels of the chemical down to 10 parts per billion, while Louisville Water Co. officials in Kentucky have said they can detect down to 1 part per billion.

Kapil said he was not familiar with the differing sampling methods being used

"There are always these kinds of differences between methods," Kapil said. "When you get down to numbers that low, to some extent, I really don't think it's an issue."

Asked to explain the delay in issuing the advisory to pregnant women, Kapil said that, "the way to answer that question is that there is some misconception among people about the screening value."

Kapil said that the screening value doesn't mean people exposed to lower levels will absolutely not experience health effects, or that people exposed to higher levels will get sick.

"The screening value isn't a sort of bright line between safe and unsafe," he said. "That's one of the misconceptions."

The CDC's number was based largely on an April 1990 Eastman study in which rats were exposed to varying levels of 4-methylcyclohexanemethanol. The study concluded that a concentration of 100 milligrams per kilogram of the chemical was the "No Observable Adverse Effects Level, or NOAEL," for the material.

CDC officials divided that 100-milligram-per-kilogram level by 10 three times, once each to account for differences between rats and humans, differences between different humans and the lack of data on the chemical.

Then, they set the final screening level for water based on a standard estimate for a 1-year-old child of about 22 pounds of body weight and consumption of a little more than a quart of water per day.

Glenys Webster, an epidemiologist and postdoctoral fellow at Simon Fraser University, has explained that what the CDC's exercise actually does is set an estimated safe dose for daily exposure to the chemical of 0.1 milligrams per kilogram of body weight.

An average adult weighing about 150 pounds and drinking a little more than two quarts of water a day would get an exposure dose of about 0.03 milligrams per kilogram of body weight, Webster said. That amounts to three times lower than the level that the CDC considers as unacceptable under its screening level.

But for a 1-year-old child weighing 22 pounds and drinking about a quart of water per day, she said, the daily dose would be 0.1 milligrams per kilogram of body weight. That's right at the level the CDC set with its screening level.

State Impact Pennsylvania

Close call on Philly oil train derailment fuels calls for safety

January 22, 2014 | 12:35 PM
By Katie Colaneri

It could be a few more days before crews finish clearing derailed train cars, including five crude oil tankers, from a bridge over the Schuylkill River in Philadelphia.

As of Tuesday evening, crews were working continuously in snowfall to transfer oil from the derailed cars to empty tank cars nearby on the same tracks, according to the rail company CSX.

"CSX's priority is on safety and the environmentally responsible transfer operation," spokeswoman Melanie Cost said in an e-mailed update.

The 101-car train was traveling from Chicago to a refinery in South Philadelphia when seven of the cars slid off the tracks on the Schuylkill Arsenal Bridge around 12:30 a.m. Monday.

It was one of several trains that bring tens of thousands of barrels of crude oil from North Dakota to Philadelphia Energy Solutions every week. After a string of more serious rail accidents involving crude in other parts of the country, the incident has amplified local concerns about the safety of these trains.

The cause of the derailment is still being investigated, but Philadelphia Mayor Michael Nutter says for now, the city is safe.

"For us at least, derailments are fairly uncommon, but I'm sure there's always something that we can take a look at or focus on," Nutter said. "You can never be too cautious or too careful, so we'll see what comes out of this investigation."

However, there are others who say the city dodged a major bullet.

"We came within a hair's breadth of a calamity in Philadelphia," said Democratic gubernatorial candidate John Hanger. He has joined the chorus of environmental groups and local lawmakers calling for more information as shipments of crude oil continue to roll through populous areas in Southeast Pennsylvania.

The seven cars that derailed in Philadelphia on Monday remained intact, but as of Tuesday evening, six of the cars, including five oil tankers and one car carrying sand, were still leaning across the bridge.

Hanger says Philadelphia was lucky compared to other communities where such derailments

have resulted in spills and explosions. A derailment in Lac-Megantic, Quebec in July resulted in the deaths of 47 people.

"People's lives are at risk. That's the bottom line. People's lives are at risk," said Hanger, who wants Governor Tom Corbett to hold an emergency meeting to discuss the problem.

Federal regulators met with energy companies and railroads last week to discuss voluntary changes to step up safety like reducing speeds and re-routing trains around high-risk areas. Meanwhile, lawmakers in Pennsylvania are calling for hearings.

"I've had concerns about the state of our bridges and other vital infrastructure for a while now," said Philadelphia City Councilman Kenyatta Johnson in a statement. Johnson wants to hold a hearing with CSX to talk about rail safety.

The House Veterans Affairs and Emergency Preparedness Committee is considering holding a hearing on oil-by-rail safety in Delaware County in March.

Huffington Post

Media Groups Demand To Know More, Sooner From Agencies After West Virginia Spill

By Nick Visser Posted: 01/21/2014 5:14 pm EST | Updated: 01/22/2014 2:23 am EST

The Society of Environmental Journalists and Society of Professional Journalists are unhappy with the West Virginia chemical spill -- not just because 300,000 people were left without drinking water, but because government agencies refused to provide timely information about the leak to the public.

The groups sent a strongly worded letter to the heads of the Environmental Protection Agency and Centers for Disease Control and Prevention on Tuesday, criticizing what they call a "lack of openness" from government officials about the cause of the spill and ongoing cleanup efforts.

In crises like these, it's imperative for government and those entrusted with the public's welfare to inform people promptly and continually about what they know -- and what they don't. Too often, in the interest of preventing panic or confusion, government agencies clamp down on their communication with the news media and the public. As happened in this case, a parsimonious public-affairs strategy all too often backfires, feeding people's fear and distrust of government. [...] Even though the worst of the West Virginia emergency is past, questions about government credibility linger. Unless responsible agencies correct the transparency errors they have committed during this and previous emergencies, the problem will fester and worsen.

The CDC did not return a request for comment, and a request for comment was left with the EPA in Washington, D.C., where offices were closed Tuesday due to the snow.

Hundreds of thousands of people were given orders not to use water for bathing or drinking earlier this month after 7,500 gallons of a coal-processing chemical spilled into West Virginia's Elk River. The leak exposed troubling vulnerabilities in the water supply and led many residents to question why they didn't know about the potential dangers in their own backyards.

SEJ and SPJ point to disturbing cases of public officials ducking the media for days after the spill was first reported on Jan. 9, issuing canned responses that were "woefully inadequate." The EPA waited nearly a week before a regional administrator commented on the spill.

Both groups have called for greater access to public information officers, availability of informed officials to give on-the-record interviews and documentary evidence to support official statements, among other requests.

Read the letter in full below:

http://www.huffingtonpost.com/2014/01/21/west-virginia-epa-spj-sej_n_4638231.html

Disclosure: HuffPost Senior Environmental reporter Kate Sheppard, whose reporting is referenced in both this story and in the letter, is an active board member of SEJ.

Delaware Cape Gazette

Citizens challenge pickle plant clean-up plan

By Ron MacArthur | Jan 23, 2014

Two grassroots organizations filed an appeal Jan. 17 challenging a remediation plan to cleanup a former pickle site near Millsboro.

Protecting our Indian River and Inland Bays Foundation have appealed to the Delaware Environmental Appeals Board a Dec. 24 Delaware Department of Natural Resources and Environmental Control secretary's order, which approves a remediation plan to monitor pollution at the 107-acre site.

The plan includes long-term groundwater monitoring of the parcel used as a Vlasic pickle processing plant for nearly four decades. Allen Harim Foods LLC plans to buy the plant and convert it to chicken processing. The proposed poultry operation is expected to employ about 700 people. The pickle plant closed in 2012, resulting in 400 layoffs.

“We are seeking to reverse the order,” said Cindy Wilton, a founding member of Protecting our Indian River. “The remediation plan that DNREC proposed misses the mark on so many levels that they simply need to go back to the drawing board and make solid, fair, realistic plans for reviving that site.”

In September, the county's board of adjustment approved a special-use exception for the parcel, which could pave the way for the chicken-processing plant. The site is included in the state's brownfields program, which offers matching grants to clean up contaminated industrial parcels.

Groups say plan is flawed

According to the appeal, the groups say the plan does not adequately characterize hazardous substances on or migrating from the site and does not provide for off-site monitoring and sampling. In addition, according to the appeal, a proper risk assessment associated with the contamination has not been completed.

Wilton said expert testimony by Socially Responsible Agricultural Project engineer and factory farm authority Kathy Martin highlighted flaws in the on-site testing, particularly from the wastewater treatment plant. SRAP’s Genell Pridgen also provided written comment on arsenic and cobalt findings in the site investigation.

Inland Bays Foundation’s science coordinator John Austin, a 33-year veteran of the U.S. Environmental Protection Agency, said contamination has already spread from the site, and with no testing of off-site wells there is no way to gauge the extent of the impact on residents' wells.

“This was a missed opportunity by DNREC to do things the right way,” said SRAP’s Maria Payan. “Community health and environmental stability were back-burnered in favor of a quick fix that was no fix at all. This process should start again, and this time the citizens of Sussex County need to be respected and protected by its government agencies.”

O'Mara: Extensive testing done

In his eight-page approval order, DNREC Secretary Collin O'Mara noted environmental testing conducted at the site. “The plan is supported by a vast amount of data and analysis in the record of decision,” he wrote. “The department's approval of the plan as a final plan will allow the remedial action to commence, which is in the best interest of the public.”

The secretary noted that many public comments opposed the proposed redevelopment of the property as a poultry processing plant. “The department understands the concerns of nearby residential property owners not wanting the closed industrial plant to be used for another industrial operation, but the future use of the site is not within the department’s authority to

determine," O'Mara wrote. "Sussex County government has the exclusive authority to determine if poultry production is a land use consistent with its zoning. The department's role is to ensure that the land is environmentally safe from contaminants for its intended use, and the plan indicates that it will be."

Appeal process set into motion

The appeal process could delay a decision for more than half a year. Depending on the outcome of the initial appeal, further appeals are possible to Superior Court and Delaware Supreme Court, said Gail Henderson, the environmental board's administrative assistant.

The board has 30 days to schedule a hearing that must take place within six months. The appeals hearing resembles a courtroom proceeding, Henderson said, with a court reporter, witnesses, presentations of evidence and cross examinations. "The public can attend, but there is no public comment," she said.

The board's decision can be appealed to Superior Court within 30 days.

The appeal was filed by Ken Kristl and the Widener Environmental and Natural Resources Law Clinic. The Widener Clinic provides representation and legal assistance to public interest organizations and individuals on environmental matters in Delaware and other Mid-Atlantic states.

For more information, go to protectingourindianriver.com and sraproject.org

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